EXTENSIONS OF REMARKS

INTRODUCTION OF MINING LAW REFORM LEGISLATION

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. ORTON. Mr. Speaker, today, I introduce a comprehensive compromise bill to reform the mining law of 1872. Joining me in introducing this important measure is the distinguished ranking member on the Subcommittee on Energy and Mineral Resources, BARBARA VUCANOVICH.

My fellow colleagues may wonder why am I introducing a comprehensive reform mining law bill, when my good friend and colleague from West Virginia, Mr. RAHALL, has previously introduced a bill on this matter, H.R. 322. The answer is simple. H.R. 322 is under active consideration in the Natural Resources Committee, and if enacted into law in its current form, would devastate the domestic mining industry, and cause adverse effects on the industrial base and defense of the United States. Mining on public lands would cease, with resultant mining industry unemployment in the West, a loss of needed tax revenue, and indirect job losses throughout the rest of the United States. A recent study completed by Evans Economics, Inc., quantified the impacts of H.R. 322 by the year 2004 as follows:

The U.S. Treasury would lose $505 million a year as a result of reduced economic activity.

States and local governments would lose $106 million a year in lost revenues.

Over 11,000 jobs in the seven major hardrock mining states (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico and Utah) would be lost.

An overall loss of 17,800 jobs in these and other states supplying equipment and other goods to the hardrock mining industry—states like Illinois, Indiana, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania and Texas would be lost.

Other economic analyses, including a Coopers & Lybrand study, have identified much larger impacts on both direct an indirect job losses.

Mr. Speaker, the enactment of H.R. 322 would be directly counter to President Clinton's No. 1 priority of job creation—and particularly high-paying jobs—and economic growth. Maintaining a strong domestic mining industry is therefore consistent with the administration's objectives for restoring the U.S. economy.

The bill I introduce today, the Hardrock Mining Reform Act of 1993, will comprehensively reform the mining law of 1872 to address all of the legitimate criticisms of the current law without the destructive impacts of H.R. 322. It will ensure responsible reform of the mining law while reserving a viable domestic mining industry. This bill is not being introduced as a negotiating vehicle to be amended further, but as a fully crafted compromise piece of legislation. As a consequence, not all members of the mining industry will like all aspects of this bill, nor will the environmentalists. Yet, Members who truly want to vote for responsible and comprehensive mining law reform that will preserve mining jobs in the United States and further America's economic growth, will see the wisdom in supporting this bill.

My fellow Members in the Midwest and East may feel that this mining law issue is of little concern to their districts, because it only affects mining on Western public lands. This assumption is incorrect since mining and the availability of minerals affects everyone in the United States. Either you must grow it, or you have to mine it. Every product made or purchased in the United States comes from minerals mined from the earth.

The value of minerals to our economy cannot be overstated. Three examples of copper usage in our society will put this into perspective: Each new home in the United States uses 430 pounds of copper; every person born this year in the United States will use 1,500 pounds of copper during their lifetime, and, the average commercial airliner uses 10,000 pounds of copper.

Mining and minerals are critical to the economy of the United States. Virtually nothing of any significance to our economy is produced without minerals being involved, either in the production process or as part of the finished product. It is incumbent that the United States continue its national policy of encouraging mining and mineral exploration.

According to the U.S. Bureau of Mines, nearly 10 tons of nonfuel minerals per capita are consumed annually by Americans. In 1991, the domestic extractive industries produced nonfuel raw minerals valued at approximately $31 billion. These materials were transformed into products valued at nearly $200 billion.

Sectors of the economy dependent upon nonfuel minerals account for about 30 percent of gross domestic product and about 25 percent of the Nation's full-time employment. Direct employment in well-paid jobs is significant as well: 165,000 in mining, 540,000 in the primary metals industries.

The availability of minerals is also essential to America's strategic defense. If the mining industry is forced to operate offshore, the supply of needed minerals would be less secure and more vulnerable to disruption, particularly in times of war. Reduced domestic minerals production, due to higher costs or land being declared unsuitable, will certainly increase overall U.S. dependency on foreign sources for minerals, eliminate U.S. jobs, and worsen the Nation's trade balance.

The minerals industry today is highly competitive, with metals and minerals traded on international markets. Prices for most metals are set by the global supply-demand balance. Lacking control over prices, efficient cost control is essential to the survival of the domestic mining industry. The average after-tax return on equity for the mining industry was only 4 percent over the last decade—significantly less than other sectors of American industry.

The competitiveness of U.S. mining can easily be tipped by Government actions—favorably or unfavorably—through increased costs and less land availability. If the domestic minerals industry cannot remain competitive with foreign producers, minerals will be supplied from overseas sources, with resultant U.S. job and tax loss.

In my home State of Utah, mining is the largest private employer and is the highest paying industry. Average pay annually for mining jobs is nearly $30,000. These are not seasonal, but year-round jobs that provide a full complement of benefits for employees and their families, including health insurance. These jobs are critical to the future economic growth of my State, and the future of mining is critically important to the entire West.

The mining law of 1872, which covers the mining of hardrock minerals for example, copper, gold, lead, platinum, silver, uranium, zinc, and other essential minerals, has come under criticism—primarily by environmentalists/preservationists—as being outdated and in need of revision.

The mining law, which promotes the development of the Nation's mineral supply on Federal public lands, has served America well. There are few laws that have been enacted by the Congress that have worked so well for so long. No law, however, is perfect, and certainly changes in the law are now needed to ensure it continues to work well in the future to provide a strong and viable domestic mining industry from which all Americans benefit.

The mining law revision legislation that has been introduced by Congressman RAHALL, H.R. 322, under the guise of mining law reform, will literally shut down domestic mines and prevent future mine development on the public lands—with the loss of thousands of mining jobs.

H.R. 322, if enacted into law, would create a completely untenable business environment for mining in the United States. The two major issues of concern are the excessively high 8 percent gross royalty and the overly stringent environmental and citizen suit provisions of title II.

The imposition of the 8 percent gross Federal royalties, would close many operating mines, and prevent the opening of new mines that are only marginally profitable.

When metals prices drop or mining costs increase, mining companies have three alternatives: diminish investment in exploration for new reserves, increase mine cutoff grades which leaves lower grade ore in the ground, and/or shut down operations. All of these options lead to the loss of jobs in the mining industry and tax revenues.

If the environmental and citizen suit provisions of title II of H.R. 322 become law, new mine development on public lands in the United States will cease. Decisions concerning mining on public lands would be made solely at the discretion of Government officials on a case-by-case basis. For every decision that Government officials make in evaluating a plan of operations, any citizen anywhere in the country could request agency review and public hearings, or bring suit against the mining company or the Federal Government. Furthermore, at any time during the mine's operation, any citizen, for any perceived violation, could demand inspections and public hearings and file lawsuits. The responsible Government regulator would also have authority to change requirements or shut down a mine's operation at any time.

Title II would create a totally unfavorable, unpredictable business environment where ap-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

plicable regulations could change capriciously at any time and be applied selectively on a case-by-case basis. Projects could be stopped arbitrarily or delayed at any stage of development or production.

Under these circumstances, mining companies would be unwilling to invest the enormous sums required for exploration, and banks will be reluctant to make loans on reasonable commercial terms for mining projects in such an unstable economic environment. Money will be invested in other countries to develop and open mines instead of in the United States. This will both decrease U.S. jobs and increase America's dependence on foreign sources for essential metals.

Furthermore, the land-use provisions of the Rahall bill are nothing more than an attempt to close all of the currently open lands to mining under the guise of a so-called unsuitability review. Under the provision, it is clear that environmental advocacy groups will press the administration to close all of the now open lands and only reopen them following a long, laborious suitability review. But what will be the outcome. Less land available for mineral exploration in an economic climate that will inhibit exploration, and cause domestic job loss, more minerals imported from overseas, and a greater strain in our country's balance of payments.

H.R. 322, if enacted into law, would stop exploration for and development of new mineral deposits throughout the United States:

Continued access to the Nation's public lands by miners would be prohibited through implementation of a massive Governmental program to determine—prior to any exploration—areas of the public lands suitable for mining. Such a program is ill-conceived since (1) no one can determine where minerals are located without exploration, (2) as technology improves, areas previously uneconomic for mining become attractive, and (3) such determinations would take decades to complete. Over 53% of all public lands have already been withdrawn from mining, and this requirement would place the remainder off-limits to mining for the conceivable future.

Royalties as high as 8% of gross income, and annual fees on holding mining claims as high as $25/acre would render most new mining prospects in the United States uneconomic. Exploration efforts would shift to other countries with more favorable economies. Domestic mineral production would decline, and valuable resources will not be developed.

The lengthy permit procedures and opportunities for litigation allowed by the legislation would substantially delay every new exploration and mine project. Since these procedures would apply to both new and existing operations, the entire U.S. mining industry would be debilitated.

Ownership rights to the land and minerals would be eliminated, and limits placed on the life of mining claims. Without real ownership rights, the financing of large mineral projects becomes more difficult, and investment in projects with long lead times would be discouraged.

Imposition of a duplicative and ponderous new set of environmental standards and reclamation requirements fraught with unclear definitions and coupled with overly broad citizen suit provisions, will do nothing but provide opportunities to delay mining projects.

The U.S. mining industry, contrary to the assertions of its critics, is well regulated today. It must meet all Federal, State, and local health, safety, and environmental laws as other industries. In fact, environmental problems attributed to mining are usually associated with past mining practices that are no longer used today.

Mr. Speaker, this debate over mining law revision is also being characterized as a matter of fair Federal return to the U.S. Treasury. It is being alleged that since the United States is the owner of Federal lands on which mining is taking place that it must receive a fair return when Federal lands are used for mining. On its face, this is a reasonable position. My bill deals with the economic issues presented by the mining law revision debate squarely and straightforwardly.

The bill I introduce today deals with the legitimate issues being raised by mining law revision advocates without crippling the industry in the process. This bill will change the way that mining is conducted on Federal lands, but that change will not drive the domestic mining industry from Federal lands and offshore to such foreign locations as Mexico, South America, and the former Soviet Union. That is what will happen if this revision process is not handled correctly or H.R. 322 is enacted into law.

I urge support of my colleagues for the bill I introduce today. It solves the fundamental, economic, and environmental issues currently being debated. The Government will receive a fair economic return and all lands will be reclaimed. The economic return will be fair-market value paid for the surface of lands patented and a realistic mine mouth royalty from the profits made by the minerals industry from public lands. Illegal occupancy is prohibited. A holding fee is provided with a special small, minor provision. An abandoned mine reclamation fund is established, and all the environmental protections under existing law are assured. Let me highlight the major provisions of my bill: First, miners will have to pay fair market surface value for all public lands used for mining; second, reclamation to State or Federal standards is required for all new mining operations on public lands; third, illegal occupancy is prohibited; fourth, public lands used for mining will revert to the Federal Government at the conclusion of mining, and the fair market surface value will be returned to the miners; fifth, holders of claims will have to pay $100 per claim year with less economic burdens on the small miner; sixth, a new net royalty on the value of minerals extracted at mine mouth will be imposed on all new mining production on public lands; seventh, all environmental laws and land-use plans must be in compliance for a mine plan to be approved; eighth, quarterly inspection of all mines is required; ninth, bonding to cover reclamation costs is imposed; and tenth, an abandoned hardrock mine reclamation fund is created, with one-third of all funds going to the State.

This is a comprehensive and well-balanced bill that deserves the full support of all my colleagues.

Mr. Speaker, let's be clear. Proper mining law revision is a matter of economic survival in Utah and throughout the rest of the West. The Federal government and the public often view this and other Western land-use issues from afar.

The vast majority of minerals which are used in everyday life all over this country come from America's public lands located almost entirely in the West. The issue is how to assure that these minerals are made available for use by the American people at low cost—now and in the future—while ensuring responsible utilization of America's public lands.

The Rahall legislation, supported by extreme environmental groups, will not provide for responsible use of America's public lands or for needed economic growth. This legislation would virtually close all of the mines operating on the public lands in the United States. Its gross royalty proposal of 8 percent will destroy the economic vitality of the industry, eliminate mining jobs and lose needed tax revenues.

When this happens in the small towns of the West, these towns shrivel up and die. This is a very serious issue which has to be handled responsibly. The bill I introduce today with Representative VUCANOVICH is such a responsible bill, and I ask the support of all my colleagues.

IN MEMORY OF ERNEST GEDDES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. CONDIT. Mr. Speaker, agriculture lost a dear friend and advocate on March 9, 1993. Turlock Irrigation District general manager Ernest Geddes passed away March 9 at Emanuel Medical Center in Turlock, CA.

Mr. Geddes was appointed general manager of the Turlock Irrigation District in 1976 after serving as the districts legal counsel for 5 years.

Ernest led Turlock Irrigation District through major changes as the district nearly doubled in size from 36,000 customers in 1976 to nearly 60,000 evolving from a small rural district into a modern advanced agency. He guided the district into geothermal power and worked diligently to help the district negotiate and meet its plan for long-term power needs.

He was a graduate of the University of California Hastings College of Law and held a degree in pharmacy from the University of California at San Francisco. Prior to entering private practice, he served 6 years as district attorney, county counsel, and public administrator for Tuolumne County, CA.

Ernest's leadership on water issues brought him respect and admiration of the agriculture community in my congressional district. That admiration included myself, when I often looked toward Ernest for guidance on many issues. Ernest represented the best qualities of our people. He was courageous and committed, charming, and witty. We will all miss Ernest. His loss is one we can ill afford.

GUIDEPATH TO ECONOMIC RECOVERY: PASSAGE OF THE FISCAL YEAR 1994 BUDGET CONFERENCE REPORT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MAZZOLI. Mr. Speaker, Congress took a bold step by passing the fiscal year 1994 budget resolution conference report, the blueprint for implementing President Clinton's 5-year economic recovery-deficit reduction program.

I voted for the conference report which provides for $496 billion in deficit reduction over the next 5 fiscal years. This will lower interest rates, lower unemployment rates, create jobs, and foster economic development nationwide. This deficit reduction is achieved with a ratio of about $1 to $1, spending cut to tax increase in the early years and about $2 to $1 in the later years of the 5-year effort.

I am pleased the conference report also includes some $50 billion in additional spending cuts not contained in the President's original proposal. My constituents in Louisville and Jefferson County—in letters and phone calls—have expressed clearly and forcefully the sentiment that they favor balancing the Nation's books by reduced spending first and, only then, by taxes.

But, now Congress moves to the heavy lifting of taking this budget blueprint and turning it into reality—real spending cuts and real revenue increases. It won't be easy. No one in Congress could have thought it to be.

Mr. Speaker, here we should harken and heed the words of President Clinton when he addressed the Nation from this Chamber in February. The President acknowledged that every American could find something wrong and objectionable in this recovery package. But, Mr. Clinton reminded us that the question is not "* * * what is in it for me, but * * * what is in it for us."

The Clinton plan is not perfect, but it is an effort to be fair and balanced to all concerned. While it does raise revenues, it asks most of those who have the most. While it cuts defense spending, the United States remains the one superpower in the world. While certain domestic spending programs are cut, our precious resources are devoted to our most precious national assets: our children; our families; our health; our education; our jobs; and, our economy.

Mr. Speaker, we are off to a good start in the 103d Congress with approval of the fiscal year 1994 budget resolution conference report. Now, let's move forward and implement the President's plan into law.

EQUITABLE HEALTH CARE FOR NEUROBIOLOGICAL DISORDERS ACT OF 1993

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. DELAURO. Mr. Speaker, today I am pleased to introduce the Equitable Health Care for Neurobiological Disorders Act of 1993.

We are now at a truly historic moment for health care reform in our Nation. The American people have cried out to Washington, demanding a restructuring of our health care system. We now have a President who is willing to listen to the American people and has fully committed his administration to ensuring that all Americans have high-quality, affordable health care.

Health care is a right that all Americans are entitled to. All Americans should have the security of knowing that they will have health care coverage—whether they are healthy or sick, rich or poor, chairman of the board of a Fortune 500 company, or an employee of a small business.

There is perhaps no group of individuals who have faced more discrimination by our Nation's health care system than those with severe mental illnesses. In the past 10 to 15 years, a revolution has occurred in neurobiology that has clearly documented that many of these severe mental illnesses are, in fact, physical illnesses. These physical disorders of the brain—neurobiological disorders—are characterized by neuroanatomical and neurochemical abnormalities. Controlled clinical research undertaken by scientists across the Nation have produced a body of irrefutable scientific evidence documenting the physical nature of these disorders.

Despite this, individuals with neurobiological disorders and their families continue to face discrimination and stigmatization by health insurance plans and society at large. I have visited with families who have had to cope not only with the emotional pain of dealing with neurobiological disorders like schizophrenia, but the financial hardship as well. These families are entitled to the same kind of care and treatment that is available to those who suffer from other severe illnesses such as cancer, diabetes, or heart disease.

Families who are faced with severe mental illnesses should not be placed in a different category—financially burdened, stigmatized, and treated as if they had done something wrong.

It is time for those with neurobiological disorders to benefit from the research advances that have been made in recent years. The research has provided us not only with insight into the causes of these disorders, but also how to treat them.

The National Institute of Mental Health has just issued a report at the request of the Senate Appropriations Committee on the effectiveness and the cost of treating these disorders. They found that the success rates in treating neurobiological disorders were overwhelming: Panic disorder and bipolar disorder have an 80 percent success rate; schizophrenia and obsessive compulsive disorder have a 60-percent success rate; and major depression has a 65-percent success rate.

In comparison with some of the most common treatments for other severe diseases these numbers are remarkable. For example, angioplasty, one of the most common treatments for individuals with severe heart disease, has only a 41-percent success rate.

Despite these findings, millions of Americans and many policymakers remain unaware of the effectiveness of these treatments. As a result, people with these conditions continue to suffer from limited access to needed services.

Far too many Americans with severe mental illnesses and their families find that appropriate treatment is unaffordable. Private health insurance coverage for mental disorders is often limited to 30 to 60 inpatient days per year, compared with 120 days or more for physical illnesses. Copayments, which are usually about 20 percent for physical illnesses, are often raised to 50 percent for those with these disorders.

The most important question that remained unanswered until this week was what the cost of adequately covering these illnesses would be. According to this new report, by covering these disorders on a par with other physical illnesses, we will gain both human and economic benefits.

Millions of Americans who are currently partly or fully disabled by these disorders would be able to be more productive at home, at work, and in the community if their disorders were covered equitably. People would no longer need to spend all of their life savings and assets to obtain coverage under the Medicaid Program—the fastest growing program in the Federal Government and an enormous financial strain on State budgets. The huge, hidden costs of leaving these disorders untreated, which are now borne by society, would be reduced.

According to the report, equal coverage of the neurobiological disorders included in the Equitable Health Care for Neurobiological Disorders Act of 1993 would lead to a 10-percent reduction in the use and cost of medical services by people with these conditions. The annual savings in indirect costs and medical services would amount to an estimated $8.7 billion. This cost reduction would more than offset the cost of providing the coverage—it would result in an estimated net benefit to our Nation of $2.2 billion per year.

The Equitable Health Care for Neurobiological Disorders Act of 1993 would require all health plans to provide equal and nondiscriminatory coverage of neurobiological disorders. This coverage must not be more restrictive than coverage for other major physical illnesses, must provide financial protection to the person requiring medical treatment, and use the same cost-control methods—such as copayments and deductibles—used for other major physical illnesses.

In addition, the Equitable Health Care for Neurobiological Disorders Act establishes a method to ensure that the definition of neurobiological disorder used under this act keeps up with the rapidly evolving science of neurobiology. The definition will be continually reviewed and will be changed as scientific knowledge evolves.

It is my sincere hope that this measure will help focus attention on the plight of those suffering from these disorders. By adopting this policy, we will save billions of dollars in wasteful spending, take away the stigmatism and misunderstanding so often attached to these biological conditions, and most importantly, ensure that all those suffering from these devastating illnesses are adequately cared for.

THE NEED FOR THE JOB CORPS

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Miss COLLINS of Michigan. Mr. Speaker, our Nation is filled with millions of at-risk youths who represent a generation of Americans ill-equipped to meet the challenges that confront our work force. During the 102d Congress, there was bipartisan support for one program designed to help these youths turn their lives around: the Job Corps.

Job Corps has served over 1.5 million at-risk youths over its 30 years through a system based on residential education and vocational training. Job Corps serves those who are the least likely to succeed. Yet remarkably, over 75 percent of Job Corps participants become contributing members of our society.

Last week, I introduced a resolution expressing the sense of the Congress that Job Corps is a long-term program that invests in America's future and should serve as the cornerstone of youth policy for the nearly 6 million at-risk youths below the poverty level in America.

I believe that any proposal to remedy the many problems of these youths must be comprehensive and provide total support of their economic and social needs. Job Corps accomplishes this goal, while at the same time providing a return on investment greater than its cost. The small investment we make in job training today will pay greater dividends tomorrow. The Clinton administration recognizes this fact, let us do the same in Congress. Support long-term investment, support youth employment programs. We cannot afford another long, hot, and restless summer.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce today the Dietary Supplement Health and Education Act of 1993. This legislation will protect consumers' rights to obtain nutritional supplements and accurate information on their use and the roles they may play in matters of health care, and at the same time strengthen consumer protections on the manufacture of these products.

The exploding costs and inadequacies of our current health care system have caused many citizens and health professionals to explore and investigate the use and efficacy of complementary and alternative forms of health care. Santa Fe, NM, the heart of my congressional district, has grown into national prominence as a center for complementary and alternative health care including acupuncture, Chinese herbal medicine, homeopathic medicine, and nutritional medicine. Additionally, herbal and other alternative treatments are an important part of traditional ethnic minority cultures both in New Mexico and the United States.

The great interest in dietary supplements reflects the desire of our citizens to have more control over their own health care decisions. We must consider, as many of our constituents have, the potential value of dietary supplementation in reducing the cost of health care. Many Americans are using dietary supplements in order to prevent disease and to maintain health and wellness. Scientific research findings continue to show that supplementation of certain nutrients can significantly reduce the incidence of chronic diseases. Recent scientific findings show, for example, that: Folic acid prevents neural tube birth defects like spina bifida and reduces the risk of cervical cancer in women; vitamin A reduces the risk of complications from measles; and antioxidant nutrients like vitamin C, E, and beta-carotene help the body fight cancer, heart disease, lung disease, and cataracts.

In the 102d Congress, one of the most popular constituent issues was the regulation of vitamins and other dietary supplements. Their popularity with consumers led to an unprecedented outpouring of support for their continued availability in the marketplace. While statutory reform was not possible in the last session of Congress, legislation was passed to implement a 1-year moratorium on proposed regulations affecting dietary supplements under the Nutrition Labeling and Education Act of 1990 [NLEA].

The NLEA was passed in 1990 to provide consumers with better health information about the food and food products they consume. Because of the special nature of dietary supplements, Congress asked the Food and Drug Administration [FDA] to adopt new regulations that would treat supplements differently from food or drugs. Although the purpose of the NLEA was to increase the amount of quality health benefit information concerning food and dietary supplements, the FDA issued regulations in November 1991 that would have severely restricted health claim information about nutrients and dietary supplements.

Congress asked the FDA to examine 10 disease-nutrients relationship. Seven of the ten health claims were positive statements that the use of a particular nutrient would prevent or reduce the risk of a particular disease. For example, among the proposed health claims was a claim that Folic acid helps to prevent neural tube birth defects. In spite of the scientific evidence, the proposed NLEA regulations denied all affirmative health claims except for calcium in the prevention of osteoporosis. Yet other Federal health agencies have issued public health advisories regarding nutrient/disease relationships. Last year, the Centers for Disease Control and Prevention issued an advisory to all women of child bearing age to insure that they were getting adequate intake of folate rich foods or supplements to prevent neural tube birth defects.

The FDA's lack of a coherent regulatory policy on nutritional supplements led to the introduction of legislation in the Senate, and my own bill, to strike a balance which recognizes the need for quality and safety of dietary supplements, and the desire of consumers to have access to dietary supplements and accurate health information about them. While my legislation was not considered due to time constraints, a temporary stopgap measure was passed. In October 1992, Congress passed a 1-year moratorium on proposed NLEA regulations affecting dietary supplements to allow for a legislative solution in the 103d Congress.

The FDA has unfairly limited access to dietary supplements through the use of the unsafe food additive provisions in the Federal, Food, Drug, and Cosmetic Act. Fortunately, the courts have begun to point out the error of FDA's ways.

Several weeks ago, the U.S. Seventh Circuit Court of Appeals ruled that the FDA was wrong to seize and condemn black currant seed oil, a popular dietary supplement. The black currant plant has been used by Native Americans for centuries. Today, we know that black currant seed oil contains a unique fatty-acid structure that includes gamma-linolenic acid, one of the essential fatty acids which has been shown to be helpful to those with cardiovascular disease and skin conditions. It is known to be essential for proper functioning of the immune system.

The FDA seized the black currant seed oil, claiming that the glycerine and gelatin capsules were food and the oil in them was an unsafe food additive. In United States versus Two Plastic Drums * * * Trace Labs, 92–1172 (7th Cir, 1993), the court said FDA's definition of a food additive is so broad that even the addition of water to food would make the food a food additive. "The only justification for this Alice in Wonderland approach," the court wrote, "is to allow the FDA to make an end-run around the statutory scheme * * *." The legislation I am introducing today will create an appropriate regulatory framework for dietary supplements and end this administrative abuse. Dietary supplements will no longer be arbitrarily classified as food additives.

The FDA has also repeatedly used implied health claims to prosecute dietary supplement as drugs. The regulatory framework Congress created many years ago regarding health claims works for only one type of product—synthetic patentable drugs. Dietary supplements are natural, non-patentable substances. The current $200 million-dollar, 12-year-long drug approval process simply does not work for non-patentable products like dietary supplements.

Dietary supplements still lack an appropriate regulatory framework that will allow appropriate health claims. We need a standard that will allow truthful nonmisleading health claims for dietary supplements based upon a reasonable level of scientific evidence. My legislation will accomplish this objective by allowing health claims to be made for dietary supplements if: First, the FDA has approved a claim for the same nutrient contained in a food. For example, if the FDA approves claims for beta-carotene in cruciferous vegetables like broccoli, a beta-carotene supplement may make the same claim; or second, accurate statements that consider the totality of scientific evidence concerning a nutrient/disease relationship. Manufacturers are required to provide information in advance to the FDA about any claims being made about the product. Supplements will also be permitted to describe truthful physiological benefits that are not health claims, as in the statement: "Calcium builds strong bones."

This legislation seeks to both protect consumers' rights to obtain dietary supplements and herbs; and assures them that they will be safe, of high quality, and that the information about them will be truthful and not misleading. Americans want greater freedom, participation, and expanded options for themselves in health care, not less. I urge my colleagues to recognize the importance of this legislation and give their support to it.

CHINA'S NEW REALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, as we discuss the future of United States-China relations and the relative merits of our conditions for most-favored-nation trade status for China, I would recommend that my colleague read the following editorial by Mortimer Zuckerman, editor in chief of U.S. News & World Report.

After reading this editorial, I hope that all of my colleagues in the House of Representatives will have a better understanding of the implications for United States policy toward China.

The editorial follows:

CHINA'S NEW REALITY

(By Mortimer B. Zuckerman)

The leader of China, Deng Xiaoping, has seen the communist future and knows it does not work. Instead of Marxism, or socialism with a Chinese face, the Chinese have come to rely on an ism that does work: capitalism. It has enabled them to achieve one of the century's great economic miracles. In a single generation, one-fifth of mankind has been raised up from poverty; in another, several hundred million people will be elevated to the ranks of the middle class.

Since Deng came to power in 1978, real per capita gross national product has virtually tripled. Last year, GNP grew by over 12 percent, investment by over 40 percent and foreign trade by over 22 percent. Now more than 60 million Chinese are middle-class, with enough money for color televisions and washing machines. Over 200 million will be in the middle class by the year 2000.

Numbers do not tell everything. The Chinese are pursuing wealth with the same ardor once reserved for class struggles and mass political movements. Theirs is an economic revolution from the bottom up, in contrast to Russia's top-down approach. China now has the accouterments of a consumer society—neon lights, gleaming hotels, smart department stores, fast food, fashion shows and U.S soap operas. Urban glitter has replaced socialist grimness.

Behind all this is the reality of a market economy for virtually all consumer and industrial commodities, joint ventures with foreigners, stock exchanges and a well-educated work force willing to work for $2 to $4 a day and save 38 percent of its income. With a domestic market of 1.2 billion and access to the capital and business skills from diaspora Chinese, China's economy seems set to grow at 10 percent a year and double again in the next eight. Political leaders may talk politics in Beijing, but everybody in China is talking business.

The downside? China may be vulnerable to the boom and bust of rapidly expanding capitalism—think of America, 1929. And there is a risk that hard-liners may try to get China back to Maoism when Deng dies. But most experts see the current reforms as unstoppable.

The political risks are exaggerated in the American press, which still focuses on the repression of democratic protesters in Tiananmen Square in June 1989. The Army has been reshuffled since then. Reformers have a significant majority in the party's highest reaches. If Chinese leaders don't bring further progress, the next upheaval will not be driven by students demanding democracy but by the middle class insisting on more prosperity. Political leaders will be forced to accommodate demonstrators instead of shooting them for, as in Taiwan and Korea, economic success tends to produce a more pluralistic and humane society.

America should rely on these organic forces instead of taking action to frustrate them. That is the effect, though not the intent, of congressional pressure to deny China most-favored-nation trade status. If we isolate China, we will isolate the very elements we should be nourishing—those in the business and professional classes. We will play into the hands of hard-liners.

This does not mean we should be blind to Beijing's excesses. A private dialogue that balances incentives and pressures has already proved fruitful. We have seen more tolerance in China. Prisoners have been released faster, passports returned to demonstrators. We have secured an unqualified commitment to adhere to the Missile Technology Control Regime.

China is a superpower. It has nuclear weapons. It is a permanent member of the Security Council. It has the world's biggest market. It is the future ruler of that capitalist metropolis, Hong Kong. It could be a potent force in setting regional conflicts, such as a clash between the two Koreas or between India and Pakistan. With the wrong leadership and cold-shouldered by the West, it could be a major force for destabilization.

The upsurge of anger over Tiananmen Square was right and necessary. But righteous indignation is not a policy. The Chinese, too, have cause for indignation—over our sales of fighter planes to Taiwan, for example. What we must have now is a dialogue with China, encompassing weapons proliferation as well as human rights, trade practices as well as passports.

Flexing our moral muscles, we would be wise to remember that the symbol of China's rulers is the dragon. It breathes fire only when it is attacked.

TRIBUTE TO FRED SCHWENGEL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MICHEL. Mr. Speaker, I was very sorry to learn that our dear friend, Fred Schwengel, head of the Capitol Historical Society, had passed away.

We know that in the last several months he had been in failing health and in his advanced years it was taking its toll. Fred and I were good friends ever since he was first elected to the Congress from our neighboring State of Iowa. He was a good-natured soul who never had a derogative word for any of his colleagues. He was a real workhorse when he was in the House of Representatives. He was always happy to win on the issues and his own election and sad when we went down to defeat or through circumstances beyond his control, lost his own reelection bid.

He always liked to talk about Lincoln as one of his favorite historical subjects, but there's no question but that he was the real father of our Capitol Historical Society. There was no one better to take you through this edifice than Fred Schwengel, and he explored every nook and cranny of the place and could so interestingly relate the history of our country to the Capitol Building. Oddly enough, he probably made more of a mark during his tenure as head of the Historical Society than he did as a sitting Member of the Congress, but they were both very complementary to his good life.

We always used to enjoy his stopping by the office unannounced with tourists in tow to come view the Capitol Hill office and shake hands with the Republican leader.

I would be remiss if I didn't take these few moments to express my own personal sadness at his passing and to extend to his wife, Ethel, and all the members of the family my profound sympathy and condolences.

I ask unanimous consent that an extended biography of Fred appear in the RECORD in toto following my remarks.

FREDERIC DELBERT SCHWENGEL—1906–1993

Frederic Delbert Schwengel, educator, businessman, Baptist, Freemason, historian and Member of Congress, was born on May 28, 1906 in Franklin County, near Sheffield, Iowa, the son of German immigrant farmers Gerhardt and Margaret (Stover) Schwengel. From his parents he learned the virtues of hard work, tolerance, the Baptist religion and Republican politics. He attended rural schools in West Fork Township and high school in Chapin and Sheffield, graduating from the latter in 1926. Motivated by his teacher, and cousin, Helen Adamson, to further his education, Fred left home to work at a neighbor's farm in order to attend high school.

He excelled in sports, winning third place at the state track meet for his school as a one-man team. His athletic prowess carried him to Northeast Missouri State Teachers College at Kirksville, Missouri (now Northeast Missouri State University). There he became a small college All-American tackle in football and set track and field records in both the discus and shot put. He would later serve as a national committeeman of the Amateur Athletic Union.

While in college, he participated in the founding of the Phi Sigma Epsilon fraternity of which he was a charter member. In addition to serving as chapter president for 1929–30, he was national president of the fraternity from 1932–36, and national executive secretary and treasurer for many years thereafter. He was also a member of the Blue Key national honor fraternity.

During his college days he developed the two major professional interests of his life—history and politics. He was greatly impressed by hearing Carl Sandburg lecture at Kirksville, stimulating what would become a lifelong interest in Abraham Lincoln. Professor Willis McClure encouraged his interest in politics, and he attended rallies for both Democratic presidential candidate Al Smith and Republican candidate Herbert Hoover in 1928, but his heart was with the Republican party.

He received a bachelor of science degree in 1930, and became an athletic coach and history and political science instructor in the Shelbina, Missouri, public schools from 1930–32. He married Clara Ethel Cassity on August 15, 1931, at Unionville, Missouri. From 1932–37, he was the athletic coach and superintendent of physical education for the Kirksville, Missouri, public schools. From 1933–35, he took graduate courses in the summer at the University of Iowa. He also served in the Missouri National Guard from 1929–36, rising to the rank of sergeant.

While teaching in Kirksville he became active in local Republican party politics. He served as chairman of the Adair County Missouri Young Republican Club for 1935–36, attended the 1936 Republican National Convention in Cleveland where his father-in-law was a Landon delegate, and worked in the local 1936 congressional campaign. It was also while in Kirksville that he became a Freemason and met Harry S Truman at a local lodge meeting. Truman's advice; "Young man you gotta know your history if you want to be a good citizen," became an oft-quoted motto for the rest of his life.

In 1936 he moved to Davenport, Iowa, and entered the insurance business. After a year with the Home Life Insurance Company, he was offered the position of general agent for the American Mutual Life Insurance Company at Davenport, and continued with that firm until 1955.

In Davenport he became president of the Junior Chamber of Commerce and was state president for the year 1941–42. He served on the boards of the Community Chest and the Y.M.C.A. and was active in Red Cross drives and in the work of the Boy Scouts of America. He was also an active member of the Baptist Church of Davenport, where he taught Sunday School, served on church boards and committees at both the local and the state level, as well as being active in the Scott County Council of Churches.

He continued to be active in politics as well, first as chairman of the Scott County Young Republicans in 1938–39 and as party chairman of the 2nd District in 1939–40. In 1944 he was elected by a margin of 34 votes to the Iowa legislature as a representative from Scott County, winning re-election to four subsequent consecutive terms. While a member, he was chairman of the School Textbook and Insurance committees, and he also served on the legislature's interim Committee on Interstate Cooperation. He was a strong advocate of state aid to public schools, arguing that money spent on education was an investment in the future, at a time when such a position was not popular with other Republican legislators or with Republican Governor Robert Blue. He was also a member of the Iowa Development Commission, 1949–55, and chairman of the Iowa delegation to the Council of State Governments, 1951–55.

In 1954 he won election to the U.S. House of Representatives from Iowa's First District. He served a total of eight terms, retiring from elected office in 1973. His primary appointment was to the Public Works Committee, but he also served on the District of Columbia and House Administration committees. As a freshman he helped persuade President Eisenhower to support legislation creating the Interstate Highway system by advocating a "pay as you pave" self-financing taxation scheme. He was heavily involved in efforts to reform the Congress, particularly as it related to minority party staffing. In 1963 he was appointed by then Minority Leader, Gerald R. Ford, to chair the Republican Task Force on Minority Staffing. A fiscal conservative, he was a progressive or moderate Republican on most other issues. He was a member of the Wednesday Group and leader in the effort that resulted in passage of the Civil Rights Act of 1964. He respected the rights of labor, defended civil rights, supported home rule for the District of Columbia, and was an ardent champion of the separation of church and state, helping defeat an amendment in 1971-72 to require prayer in public schools.

In his 1987 book, "The Republican Party: Its Heritage and History," he explained his political philosophy: "I believe that moderation is a virtue—especially in a democracy of contending interests—and that extremism is a divisive vice. * * * I have come to the conclusion that moderation is to be recommended above all political philosophies because it alone recognizes the common fate and aspirations of all human beings; it alone understands the influences that drive people to extremes; and, finally, moderation alone respects the sacredness of humanity."

As a lifelong student of Abraham Lincoln, he authored legislation which led to Carl Sandburg's address before a joint session of Congress on the 150th anniversary of Lincoln's birth in 1959: and he was also the central figure behind the joint sessions which commemorated the centennials of Lincoln's first and second inaugurals in 1961 and 1965. He was an honorary member of the Lincoln Sesquicentennial Commission and served as vice chairman of the United States Civil War Centennial Commission.

His interest in history led to the creation of the United States Capitol Historical Society in 1962, an effort in which he was encouraged by Sam Rayburn and assisted by Hubert Humphrey, Carl Hayden, Marguerite Stitt Church and others. He served as president of the Society from 1962 to 1992 when he turned over the position to another former congressman, Clarence J. Brown, remaining as chairman of the board. Working in close consultation with the National Geographic Society he supervised the production of "We, the People: The Story of the U.S. Capitol," the best-selling guidebook to the Capitol building. Under his leadership the Society acquired and donated well over one million dollars in art, artifacts and historical documents to the Capitol, including a major three-part mural project on the ground floor of the House wing. He also instituted a well-respected 16-year symposia series on the history of the American Revolution and early national period, an art and architectural history fellowship, and several publications on congressional history. He also gave hundreds of tours of the Capitol (often including a trip to the top of the Dome) prized for their energy, humor and insight. His affection for the building, its institutions, and, especially for the people who worked or visited there, was genuine and infectious.

He also founded the Republican Heritage Foundation, and was a past president and chairman of the board of governors of the Lincoln Group of the District of Columbia and vice-president of the Eisenhower Society. He was active in the Cosmos Club, the Capitol Hill Club, the Exchange Club of Capitol Hill and the Civil War Roundtable. An avid collector of Lincoln-related books, art and memorabilia, he donated his collection to his alma mater, Northeast Missouri State University, which has installed the collection in the university's library. With his wife, he instituted an annual awards program for college and high school students in the Kirksville area.

A Mason for most of his adult life, he attained the highest degree, 33rd, within the fraternity. He was also a member of the DeMolay Legion of Honor, Zarapath Consistory, Kaaba Shrine, York Rite, Twelve High and the Knights of Pythias. On October 2, 1991, he was honored by the Scottish Rite of Freemasonry with its highest award, the Grand Cross of Honor. He often emphasized the humanitarian focus of freemasonry, remarking that it was one's duty "to make other men better or wiser as we find or can make the opportunity to do so."

A devoted Baptist, he was a member of the Calvary Baptist Church of Washington, D.C. He steadfastly supported the doctrine of separation of church and state, believing that "a religious experience to be acceptable to God and to be worthy of the name must be a voluntary response to God. The power of government in whatever form it may take, must not be used in an attempt to force people to be religious."

He was the recipient of numerous honorary degrees and awards: LLD, Parsons College, Fairfield, Iowa, 1959; LHD, Lincoln College, Springfield, Illinois; Algernon Sidney Sullivan Award, Lincoln Memorial University, Harrogate, Tennessee, 1963; LLD, Southeastern University, Washington, D.C., 1981. He was elected to the Northeast Missouri State University Athletic Hall of Fame in 1983, and he was presented the Joseph Martin Dawson Religious Liberty Award by the Baptist Joint Committee on Public Affairs in 1986. Congress surprised him on his 80th birthday in 1986 with a party at which Speaker Thomas P. O'Neill presented a testimonial scroll signed by the congressional leadership.

In recent years he was busily engaged in writing his memoirs, compiling a book on congressional commemorations of Abraham Lincoln and planning large scale projects, including a program to honor Truman with an endowed chair at Northeast Missouri State University, a sound and light show for the Capitol and the development of the vast cavity beneath the Lincoln Memorial into a museum and visitor center.

He is survived by his wife of 61 years, Ethel, two children, Franklin Dean Schwengel of Santa Monica, California and Dorothy Jean Cosby of Alexandria, Virginia, five grandchildren and one great-grandchild.

MARTIN LUTHER KING, JR., MEMORIAL BILL

HON. JULIAN C. DIXON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1993

Mr. DIXON. Mr. Speaker, this week marks the 25th annual commemoration of the untimely assassination of a great American. It is with great pride today I introduce a bill which would authorize the establishment of a monument to honor Dr. Martin Luther King, Jr., in the Nation's Capital.

Dr. King's stamp upon American history is profound and indelible. Today, even as many of the substantive gains of the Civil Rights Movement are being eroded, Dr. King's once radical vision of a society in which individuals are "judged not by the color of their skin, but by the content of their character" has near universal acceptance. Through peaceful mass demonstration and stirring oratory, Martin Luther King, Jr., distilled the evil hypocrisy of American apartheid for the world to see, and elevated the ideals of racial injustice and equality to a high moral plane. In so doing, he raised the consciousness of this Nation.

At a King Monument, which would be the first national monument in Washington, DC, to honor an African-American male, visitors could reflect on the supreme sacrifice made by him and others who risked and gave their lives so that the fundamental American ideals of freedom and justice might have equal meaning for all Americans. There, perhaps, visitors might read the words of his historic orations, etched in stone, preserved for perpetuity.

This legislation would authorize the Alpha Phi Alpha Fraternity, Inc., the Nation's oldest black fraternity, and the fraternity to which King belonged, to honor Dr. King. The bill provides that no U.S. funds would be used to pay any cost of the design, construction, installment, or maintenance of the Martin Luther King, Jr. memorial. Rather, Alpha Phi Alpha would organize a nationwide design competition and lead private fundraising efforts to pay for all phases of the monuments' establishment.

While this monument would cost the American taxpayer nothing, it would preserve the memory of a national treasure—an American who paid the highest price in profound service to his Nation—and immortalize his ideal of peace and justice for the citizens of this country and, indeed, the world.

TRIBUTE TO THE DARBY LIBRARY

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1993

Mr. WELDON. Mr. Speaker, I rise today to recognize the Darby Library of Darby, PA, founded in 1743. This year marks the 250th year of the library's service to the community. The Darby Library is one of America's first public libraries. To mark this important event in Pennsylvania history, a 250th anniversary dinner will be held on Friday, April 16, 1993.

In 1697, one of the earliest charter members, John Bartram, was asked by Benjamin Franklin for his English book contract so the Philadelphia Library Co. could order books. John Bartram and other Darby Township citizens later founded the library in 1743. The Darby Library has in its impressive collection most of the original books ordered from England and other historical documents such as the minutes of the first founders meeting. The Darby Library began as a subscription library, however, it developed into a public lending library. During recent renovations, a journal kept by Mary Crozier, the first librarian, was discovered in the basement wall.

Currently the library is maintained by the Darby Library Board of Directors and Mrs. Marie V. Jackson, head librarian, and her dedicated staff. Community service remains the main objective of the library. The Darby Township community has benefited from the historical foundation of the library, and today the community continues to profit from the libraries collection, services, and support provided by the staff.

I am pleased to have the honor to recognize the 250 years of outstanding service of the Darby Library located in Darby, PA.

MAYOR HAROLD SHUE HONORED

HON. JOHN A. BOEHNER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1993

Mr. BOEHNER. Mr. Speaker, I am pleased to rise today to recognize the contributions and achievements of Ohio's oldest mayor: 90 years young, Harold Shue is completing his final term as mayor of Anna, OH, marking the end of a long and successful tenure serving his adopted hometown.

Originally from nearby Sidney, OH, Mayor Shue worked for many years selling bakery equipment before beginning his political career at age 72 in the village council of Anna. In 1981, he became mayor of Anna. Harold Shue is to be commended for his active role in a variety of public projects in Anna over the years he has served as mayor, including the establishment of a new wastewater treatment facility, purchase of fire equipment, the completion of improvements to the new water plant, and the development of the Anna Commerce Park and the Gemstone home division.

In addition to taking an active role on council activities, Harold Shue served 8 years as a member of the Advisory Council of the Area Agency on Aging, representing the nine-county area headquartered in Dayton. He also served as a member of the Shelby County Coalition on Aging and is presently a member of the group's executive board. He is past chairman of the Salvation Army Advisory Board and currently serves on the executive board.

Harold Shue has been recognized by a number of groups and individuals for his outstanding leadership and devotion to his community. He was most recently recognized with a community service award from the Great Third District of the Masons of Ohio and through special tribute from State Senator Stanley J. Arnoff, president of the Ohio Senate, and State Senator Robert Cupp from Lima's 12th District.

Harold Shue serves as an inspiration to all those interested in making a contribution to their community. When most are well into their retirement, playing golf, relaxing in a warm climate, or participating in some other recreation, Harold Shue is still working to better those around him, still fulfilling his commitment to community.

Harold Shue continues to serve his community with honor. He has earned the respect and admiration of those who have had the pleasure to know him. It is with great pleasure that I honor before the U.S. House of Representatives Mayor Harold Shue for his dedication and devotion.

TRIBUTE TO THEATRE DEVELOPMENT FUND OF NEW YORK CITY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to the Theatre Development Fund of New York City, which this year celebrates 25 years of service to the performing arts. TDF was founded in 1968 to encourage the production of new plays and musicals in the commercial theater by various forms of subsidy. From small beginnings, by developing new programs and adding services, the fund has grown into the largest service organization for the performing arts, for-profit and not-for-profit, in the country. Each year, it is responsible for distributing, at discounted prices, more than 2 million tickets to performing arts events.

In doing so, TDF accomplishes its double purpose of encouraging new stage production and supporting theater attendance among those who could not otherwise afford it. Those who qualify to receive TDF offers are students, teachers, retired persons, union members, the clergy, Armed Forces personnel, and performing arts professionals. For each ticket, TDF supplies a margin of subsidy.

TDF has successfully pioneered in the development of marketing programs that help to assure the theater and the other performing arts of regular, supporting audiences. They are designed to assist new plays and musicals to overcome early hurdles and survive the initial weeks of a run until such forces as good notices and word-of-mouth begin to attract the public. At the other end of the scale, TDF programs prolong the lives of older shows. They may also be brought into play to help a production through slow periods. Other programs help the major dance companies find enthusiastic audiences in their New York appearances.

But the TDF's work goes well beyond programs of theater and dance subsidy, supplementary ticket sales, group sales. TDF also provides such special assistance as a loan program designed to tide over small not-for-profit groups caught in cash-flow difficulties while waiting for a government or foundation grant to materialize. In certain circumstances, TDF will also post the required Actors' Equity bond to safeguard the salaries of working actors, thereby relieving producers of a heavy initial financial commitment while they try to overcome all the other difficulties in launching a new play or musical today.

Mr. Speaker, for more than a decade, TDF has assisted theater-goers with hearing, visual, or other physical disabilities through its theater access project. TAP provides discounted tickets to plays, musicals, concerts, and dance recitals. In order to assure the best possible sight and sound lines, it secures preferential seating for its clients. It supplies information on wheelchair locations and theater access. It maintains a telephone ticket hotline for blind persons, prints ticket orders in large type for visually impaired persons, and maintains a telephone typewriter to enable deaf persons to communicate with the office.

Each month, drawing upon a pool of theatrically trained sign interpreters, TDF, with the cooperation of Broadway and off Broadway managements, schedules a sign-interpreted performance to a Broadway or off Broadway show. For the past year and a half, in conjunction with the evening division of Juilliard School, TAP has conducted a course in signing for the theater. It is designed to improve the standards of theatrical signing generally and to expand the pool of trained interpreters for all.

While its works is concentrated in New York City, TDF's influence as extended nationally and even overseas. The success of its programs, particularly that of the TKTS booth TDF established in 1973 in Times Square for the same-day sale of tickets at half price, prompted inquiries from other cities. As a result, TDF established a national services department to provide consulting services. Thereafter, with assistance from this department, versions of TTKTS, as well as other TDF programs, were established in Boston, Chicago, Denver, Pittsburgh, San Diego, San Francisco, and abroad, in London, Sydney, Australia, and Toronto, Canada.

A 25-member board of directors headed by David D. Holbrook, chairman, and Thomas F. Leahy, president, determine TDF policy. Under the incorporation laws of New York State, TDF is also a member corporation. The members, numbering the founding directors, are Stephen Benedict, a foundation executive and arts consultant, John E. Booth, a writer and foundation executive, Anna E. Crouse, a past president of TDF, August Heckscher, former New York City Commissioner of Parks and biographer of Woodrow Wilson, and Stuart W. Little, journalist and director of communications at TDF. All are presently involved in the ongoing work of TDF.

Mr. Speaker, for 25 years the Theatre Development Fund has been a valuable service to the city of New York, by maintaining the vitality of all theaters in the area. I know that you will join with me in congratulating TDF on their tremendous accomplishments and continued success.

TRIBUTE TO OUR FORMER COLLEAGUE, BILL GRADISON

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, I would like to join my colleagues in both parties in recognizing Bill Gradison's distinguished public service in the U.S. Congress over the past 18 years. With Bill's departure, this body has lost a thoughtful statesman.

The void created by Bill's retirement will be acutely felt as the Congress and the Clinton administration work to remedy the seemingly intractable health care problems currently facing our Nation. His intimate knowledge of the vital, yet complex and arcane policy issues related to health care cannot be replaced.

On a more personal level, I will miss his wise counsel and friendship. Though Bill will undoubtedly continue his career of public service as the president of the Health Insurance Association of America [HIAA], it is with great regret that I see him go.

UNIVERSITY OF ARKANSAS DISTINGUISHED ALUMNI HONORED

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. DICKEY. Mr. Speaker, I am honored to bring to the attention of my colleagues, two distinguished educators and alumni of the University of Arkansas at Pine Bluff who were honored last week during the Equal Opportunity in Higher Education's 18th Annual National Conferences on Blacks in Higher Education, here in Washington, DC.

Dr. Dorris R. Brown Robinson-Gardner has served higher education in Arkansas for over 23 years. She has been an integral part in the development of the first baccalaureate degree program in regulatory science. Dr. Gardner, a native of Little Rock, AR, assisted in developing community partnerships for science and mathematics programs and homework centers under the Developing Strategies to Address Minority Problems [D-STAMP] Institute. She also served as the State coordinator with the Arkansas Department of Higher Education.

Dr. Gardner received her bachelor's degree in education from Arkansas Baptist in 1970; her masters degree in education from Ouachita Baptist University in 1975; and her doctorate in higher education administration from the University of Arkansas in 1983. Dr. Gardner's service includes 3 years as an outstanding higher education administrator and graduate faculty member at the University of Arkansas at Pine Bluff and adjunct faculty at Arkansas Baptist College.

Prof. Trenton Cooper, a native of Hope, AR, is a professor of education. He earned his bachelor's degree in mathematics from the University of Arkansas at Pine Bluff in 1950. Dr. Cooper continued on in his pursuit of higher education and received his master's degree in radiological health from the University of Minnesota in 1962. He earned his doctorate in science education in 1978. Dr. Cooper's personal dedication and superior achievements in education earned him recognition as an American Educator in 1971 and again in 1972.

Mr. Speaker, I am very proud to recognize here the achievements and outstanding contributions to higher education by Dr. Cooper and Dr. Gardner. They bring credit to themselves for their personal achievements and contributions to higher education. They bring honor to the University of Arkansas at Pine Bluff. I congratulate both of these dedicated educators for being selected as distinguished alumni fellows in higher education. I congratulate the National Association for Equal Opportunity in Higher Education for honoring these two individuals and Arkansas educators.

JOEL T. FISHMAN HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. ENGEL. Mr. Speaker, I take great pleasure in joining with the Bronx Board of Realtors to honor Joel T. Fishman for his contribution to both his industry and the local community.

In naming Joel Fishman as "Realtor of the Year," the board of realtors is recognizing the strides that have been taken under his leadership as president and in various other roles within the organization. In fact, for more than 20 years Joel Fishman has helped the Bronx Board of Realtors grow and prosper.

During his term as president, the board purchased a failing thrift building and turned it into the new home of the organization. It is this kind of innovation that has characterized Joel's work. He has actively rehabilitated more than 2,000 apartments in Bronx County, and has helped many first-time home buyers realize the American dream of home ownership.

I have also seen the side of Joel Fishman that is dedicated to the betterment of his community. During the holiday season last December, we visited the Veterans' Administration hospital in the Bronx and distributed gifts donated by the board of realtors to the disabled patients. Joel said he simply wanted to let the veterans know they were not forgotten during the holidays.

This visit is just one example of the community spirit exhibited by Joel Fishman. There are many more times when he has given of his time and energy to help his neighbors. These acts clearly demonstrate that the honor of Realtor of the Year goes beyond the workplace, especially when we are talking about Joel Fishman.

On behalf of my constituents, I congratulate Joel Fishman for receiving this honor, and I thank him for all his contributions to the community.

REVITALIZATION OF DEPOSITORY INSTITUTION LIQUIDATION PROCEDURES ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. VENTO. Mr. Speaker, I am introducing today legislation entitled the Revitalization of Depository Institution Liquidation Procedures Act. The bill restructures, reforms, and renames the Resolution Trust Corporation [RTC], and assigns all resolution and liquidation activities for savings and loan institutions and banks to the Resolution, Assets Management, and Liquidation Agency (the Agency).

Over a period of 4 years I chaired the Oversight Task Force on the RTC. During that period, I came to know the practices that were successful and unsuccessful. All too often I heard about practices inconsistent with fairness, efficiency, and cost savings. I learned as well about the failures of the FDIC in resolving and selling assets of failed banks. For example, the FDIC holds onto assets for long periods of time. The FDIC does not keep good records of assets, nor note their environmental and historical significance. The FDIC's favorite method of procurement is closed—or limited—competition.

I filed several reports with our Banking Committee, and I provided information to our Senate colleagues. Now with a new administration energized by the American voters' desire for change in Washington, I am offering this bill for consideration as we prepare to provide additional funds for the bailout efforts.

In October of 1993 the RTC will still have at least $100 billion in assets for disposition. Over the next 5 years an estimated additional $90 billion of assets from failed savings and loan associations could fall to whatever entity is given the responsibility for asset disposition. I think that entity should be the Resolution, Asset Management and Liquidation Agency—a new Agency.

The FDIC today has $40 billion of failed bank assets, including aged assets from the Continental Illinois failure of nearly a decade past. The FDIC expects over the next few years to receive an additional $60 billion in assets from future bank failures.

The total RTC and FDIC workload of assets is almost $300 billion—nearly the same as the RTC's sales to date, but of a much more problematic quality.

Most of these assets are financial instruments, or collateral from foreclosures on financial instruments.

The question today is whether it makes sense to have two Government entities doing essentially the same work? Should the FDIC become a major assets sales agency, when its primary function is deposit insurance/bank regulator? Or should the FDIC sell assets only when such sales are incidental to a regulatory action?

We created the RTC to specialize in resolving institutions and in disposing of financial assets. Some efforts of the RTC are worth building upon—the auctions and the securitization of single family mortgage instruments, for example. Unfortunately, the confusion resulting from the misguided and premature effort to close down the RTC has wasted expertise, as well as millions of dollars.

The shortcomings of the RTC—the lack of a management information system, the inadequacy of contract administration, the lack of adequate contractor monitoring, the lack of priority on sales of affordable housing—were never satisfactorily addressed by RTC's management team. But with a potential $300 billion financial institution asset workload, it is not too late to do the job right.

I have concluded, moreover, that we would be unwise to let the FDIC take over these responsibilities. After much work, effort, and consultation with many persons including the legislative counsel, attorneys at the RTC who provided technical guidance, and experts in Government organization, I believe that the best way to conclude this effort has five parts: First, redesignate and reinvigorate the RTC; second, assure the continuance of the RTC's successes and provide guidance or insulation against demonstrated shortcomings; third, delete provisions which are no longer needed; fourth, simplify RTC funding and official status; and fifth, assign all resolution and asset disposition work to this Agency.

The new Agency status would leave behind the inadequacies of the past and operate under reformed procedures found to be necessary from our experiences with the RTC and the FDIC since 1989.

My legislation addresses the following matters:

STATUS AS GOVERNMENT AGENCY

The Agency would be a component of the Treasury Department. At its head would be an administrator appointed by the President and confirmed by the Senate. The Agency's activities will be covered by the Inspector General Act and the Chief Financial Officers Act. This bill will clarify the General Accounting Office's right to do program audits of FDIC resolution and asset sales activities.

SUNSET

The Agency's authority terminates on October 1, 1998. This date assures that the bureaucracy will come to an end. But it operates long enough to enable the administrator to recruit highly skilled staff. On the other hand, the bill limits bonuses paid to super-graded staff who are in many instances receiving more salary than cabinet secretaries.

SINGLE-SOURCE SERVICE

The Agency will be responsible for resolving savings and loan associations insured under SAIF and banks insured through the BIF. This includes as well any remaining activities that originated with FSLIC or with the FSLIC resolution fund. There is no logical rationale for having these specialized activities carried out by three—or even two—Government entities. There are significant economies to be realized from pooling like-kind or co-located assets for sale. There are efficiencies to be realized by calling upon expertise already developed by the RTC. There are dangers to be avoided by not asking the FDIC to make the same mistakes as the RTC. One Agency will be sufficient. That source should be the Agency described in this bill.

INFORMATION SYSTEMS

The Agency is directed to implement a comprehensive, interactive, real-time data system for all its activities—institutions, assets, contractors, contracts and subcontracts, claims and case processing, conflicts of interest, leases, etc. The RTC's failure to collect and monitor data has been apparent since its creation. The FDIC's current ability to keep track of assets has not been subject to public scrutiny, but has at least the same shortcomings as the RTC. The GAO finally obtained information on assets still held by the FDIC from the Continental Illinois failure by obtaining access to the files of a private accountant who had been retained by the FDIC. It is unbelievable that the FDIC itself could not produce this information.

ASSET SALES METHODS

The RTC has been innovative in devising ways to sell assets. Nevertheless some of these methods have proven to be costly, others have been both costly and have perpetuated the Government's liability, and yet other methods are so contingent that costs simply cannot be calculated. This legislation puts restrictions on three methods of sale.

First, it prevents the Agency from placing specific assets in pools or securitization packages if there is an outstanding offer for the property at an equal or higher price. This change alone will assure that bidders or purchasers from the local market will have the opportunity to acquire assets—an opportunity denied them when properties are packaged for sale only to the most wealthy individuals, corporations, or syndicates.

Second, the bill adopts guidelines for securitization, so that only assets with similar characteristics and subject to similar underwriting standards will be sold as securities. This change can be expected to broaden the market to RTC-like assets for the ultimate benefit of the taxpayers.

Third, the bill prohibits the Agency from putting an asset in a bulk sale if it has received an offer at an equal or greater price than the value that would be assigned to the asset in the bulk sale.

CONTRACT MONITORING

For nearly 4 years, the GAO, my task force, and various committees of the House and Senate have been concerned with contracting at the RTC and at the FDIC. As recently as last January, the GAO reported that contract monitoring and administration is inadequate at both Agencies. These organizations award contracts without competitive bidding and with little regard for minority and women-owned businesses. The RTC alone has entered into more than 100,000 contracts with private firms for the entire gamut of goods and services. This legislation would bring all asset disposition and other contracting under the Competition in Contracting Act. This change alone would make it more difficult for RTC or FDIC staff to ignore sound procurement practices. The RTC's inspector general testified that RTC staff have simply ignored the existing system when it became inconvenient for them to follow the rules.

ASSURING CONTRACT AWARDS TO WOMEN-OWNED OR MINORITY-OWNED BUSINESSES

The RTC is obligated to assure that reasonable numbers of contracts go to women-owned or minority-owned businesses. Unfortunately, their record has not been good. The FDIC's performance in diversifying contracts has been troublesome as well. While bringing this workload under the Federal procurement laws won't solve all of the problems, it will close off one avenue of evasion.

PRESERVING HISTORICAL/ENVIRONMENTAL PROPERTIES FOR PUBLIC USE

Tens of thousands of historically and environmentally significant properties are part of the RTC's and the FDIC's inventories. But the FDIC, lacking a complete and accurate listing of these holdings, too often does not, and cannot, realize the advantage for the wider community. Neither Agency has made sufficient efforts to evaluate these intangibles in setting sales prices. This legislation extends the requirement for environmental and historical consideration to assets of properties acquired from banks as well as thrifts. We need not squander the opportunity these assets provide the American public and heritage just to get short-term cash.

PURSUIT OF CLAIMS/WRONGDOERS

Neither the RTC nor the FDIC have been diligent in pursuing claims against wrongdoers and then, when awards are made by the courts, following up on the collection of fines and restitution. This legislation makes four significant changes. First, it provides for a specialized staff to pursue claims and protects that staff from undue influence. Second, it extends the statute of limitations on certain claims so that the organizational disarray at the RTC, and at the FDIC, will not prevent the filing of meritorious suits. Third, it requires improvements in the methods by which orders of restitution are followed and collected, including a private right of action. Fourth, it requires disclosure of examination reports and certain other data on financial transactions involving insiders.

UNCLAIMED ASSETS

The volume of institutions changing hands under this bailout has raised numerous subsidiary questions. One of these which the House has already spoken on is the appropriate recipient for unclaimed deposits. This legislation incorporates language adopted last year by the House that gives preference to State governments.

Mr. Speaker, we must reform the process so that the American people can again have confidence that the National Government can finish this unpleasant task effectively and fairly.

The section-by-section summary follows:

SECTION-BY-SECTION SUMMARY

SECTION 1. SHORT TITLE

This bill is the "Revitalization of Depository Institution Liquidation Procedures Act of 1993."

TITLE I—SINGLE AGENCY FOR CONSERVATOR AND RECEIVERSHIP POWERS

Section 101(a). Establishment of the RAMLA

This section creates the Resolution, Asset Management, and Liquidation Agency ("Agency"), in the Executive branch under the direction of the Secretary of the Treasury. An Administrator (appointed by the President with the advice and consent of the Senate), who would be assisted by a Deputy Administrator (also appointed by the President with the advice and consent of the Senate) manage the Agency.

The Agency's task is to manage and resolve all insured depository institutions for which the Administrator is appointed conservator or receiver. The authority of the Administrator to be appointed conservator or receiver ends on October 1, 1998. The Administrator is required to carry out the responsibilities as conservator or receiver for insured depository institutions in a manner which maximizes the net present value return from the sale of assets, minimizes the impact of transactions on local real estate and financial markets, makes efficient use of funds obtained from the Treasury, minimizes the amount of loss realized in the resolution of cases, and maximizes the availability and affordability of residential real property for low- and moderate-income individuals.

The Administrator's specific powers include the power to acquire, hold, lease, maintain, or dispose of, real and personal property using any available private sector methods including securitization of debt or equity, limited partnerships, and real estate investment trusts. This section, however, limits the Administrator's ability to engage in cash flow mortgages, securitization of assets, and bulk sales in certain circumstances. It also prohibits the Agency from making payments constituting capital contributions to an institution in conservatorship.

In general, the Administrator, like the Director of the Office of Thrift Supervision, may direct, appoint, and fix the pay and number of Agency officers and employees as appropriate without reference to statutory compensation provisions generally applicable to government employees. However, under this section, the Administrator must classify jobs in the same manner as the FDIC and to provide the same rates of basic pay and additional compensation and benefits to employees as those provided to FDIC employees since Agency employees will be returned to the FDIC at sunset. This section also permits Agency employees to participate in the same health, insurance, pension, and other benefit plans available to FDIC employees under the same conditions available to FDIC employees. In view of the Agency's limited lifespan and the need to reassure employees of their job security, the bill further provides for the transfer of employees, whose services the Administrator determines to be unnecessary during its lifespan to their current location, to the closest office of the FDIC in accordance with section 404(1), (2) and (4) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The Administrator may not limit or modify the employee protections contained in this section by contract, interagency agreement, or otherwise. This section also prohibits the Administrator from paying a bonus or other cash award to any Executive officer whose annual rate of basic pay equals or exceeds Level I of the Executive Schedule.

This section directs the Administrator to organize a staff dedicated to pursuing claims against institution-affiliated parties. In addition, the Administrator is authorized to issue, revoke, or quash subpoenas in connection with any proceeding or claim under this section. This section also allows the Administrator to utilize the services of the private sector to carry out the duties of the Agency where available, practicable, and efficient.

Section 101(b). Temporary Administrator

This section authorizes the President to designate, pursuant to the Vacancies Act, an officer within an Executive department, who was appointed by the President with the advice and consent of the Senate, to act temporarily as the Administrator of the Agency as of the date of enactment.

Section 101(c). Exemption from Certain Management and Disposition of Property Statutory Provisions

This section exempts the Agency, when acquiring or disposing of real property, from titles I, II, IV, and VIII of the Federal Property and Administrative Services Act of 1949. Those titles relate to the establishment of the General Services Administration, procurement and property management policies for Federal agencies, disposition of excess property by Federal agencies, and utilization and disposition of urban land by or on behalf of Federal agencies in accordance with local land use practices and, to the extent practicable, planning.

Section 101(d). Technical and Conforming Amendments

This section makes technical and conforming amendments to sections 21A and 21B of the Federal Home Loan Bank Act.

Section 102. Conservatorship and Receivership Powers of Administrator

Section 102(a). In General

This section adds a new section 21C to the Federal Home Loan Bank Act, incorporating most of the provisions regarding the appointment of receivers and conservators for FDIC insured banks and savings associations and the powers and duties of conservators and receivers currently contained in the Federal Deposit Insurance Act ("FDIA").

Section (a) changes current law by providing that only the Administrator of the Agency, not the FDIC and RTC, may be appointed receiver for all FDIC-insured depository institutions, and permits the appointment of the Administrator as conservator of FDIC-insured depository institutions. The FDIC may no longer accept appointments as conservator or receiver. The RTC is abolished in Section 103.

The bill leaves in place the role of State banking supervisors in the appointment of conservators and receivers for state-chartered institutions.

The grounds for appointment of a conservator or receiver remain the same as the grounds currently provided in §§11(c)(5), (9) and (10) of the FDIA.

Section (b) sets forth many of the powers and duties of conservators and receivers. It contains the powers and duties currently found in §11(d) of the FDIA. This section changes the relevant statute of limitations for filing claims by a conservator or receiver from 3-years to 6-years and provides that the period does not begin to run until the later of the date the claim accrues or the appointment of the conservator or receiver. The provision is not retroactive. Section (c) is identical to §11(e) of the FDIA, the current provisions governing contracts entered into by the depository institutions prior to the appointment of a conservator and receiver.

Section (d) transfers the duty to pay insured deposits to the Agency. The Agency determines the amount of funds needed to pay the claims of depositors and request the funds from the FDIC to pay the claims. The FDIC pays the amount requested from the Bank Insurance Fund ("BIF") in the case of BIF members and from the Savings Association Insurance Fund ("SAIF") in the case of SAIF members.

Section (e) provides that upon payment of the insured deposits of a failed depository institution, the Administrator becomes subrogated to the rights of the depositors against the failed institution. The Administrator's right of subrogation remains subject to the rights of the FDIC to be reimbursed out of the proceeds of the particular receivership, net of the expenses of the Agency. Section (q) requires the Administrator to offer custody of any insured deposits which remained unclaimed 18 months after the resolution of an insured depository institution to the relevant State government authority. Any funds so transferred that thereafter remain unclaimed after 10 years would be transferred back to the Agency's successor.

The remaining sections of the proposed 21C, as well as the provisions of the proposed section 21D include other receivership and conservatorship powers and duties now contained in §§11 and 12 of the FDIA.

The proposed new section 21D also contain provisions that prohibit certain persons convicted of certain offenses and having caused loss to either insurance fund from purchasing assets from the Agency. In addition, the Administrator may not enter into secret settlements of claims. This section clarifies the Administrator's authority to file suit against certain persons for gross negligence. Furthermore, the Administrator is obligated to disclose the names of certain insiders who have financial obligations to the failed financial institution that are more than 90 days in arrears.

Section 102(b). Payment of Insured Deposits and Other Resolution Costs of the Administrator

This section requires the FDIC to transfer funds requested by the Agency to pay insured deposits in a failed financial institution. The FDIC retains a claim against the Administrator for the amount realized by the Administrator as subrogee of the depositors, less the administrative expenses of the Administrator. The FDIC is also required to transfer funds requested by the Agency for assistance under §13(c) of the FDIA.

Section 102(c). Assistance and Acquisition Authority of the Administrator

This section gives the Agency authority under section 13(c) of the FDIA to provide assistance in connection with the resolution of institution under its jurisdiction. The FDIC retains authority to provide assistance under §13(c) to open institutions.

In exercising the authority of the Agency under §13(c) the Administrator may request funds from the FDIC to provide assistance. The FDIC must transfer to the Administrator funds from the BIF or the SAIF, as appropriate.

The least-cost resolution standard continues to apply to the resolution of insured depository institutions. That standard requires the Agency to determine that the method of resolution chosen for a particular failed institution is the least costly method of all possible methods of resolution. All other restrictions on the resolution process found in §13(c) of the FDIA remain in effect.

The Agency may provide assistance in connection with emergency interstate acquisitions of failed banks, and the FDIC continues to exercise its authority in this area, but only with respect to banks for which no conservator or receiver has been appointed. The same division of authority applies to savings associations under §13(k) of the FDIA.

Section 102(d). Repeal of FDIC Receivership and Conservatorship Authority

This section repeals the parts of Section 11 of the FDIA related to the FDIC's receivership and conservatorship authority and also section 12 of the FDIA.

Section 102(e). Transfer of Functions

This section transfers all functions of the FDIC as conservator or receiver of an insured depository institution to the Agency.

Section 102(f). Access to Reports of Condition and Examination Reports

This section makes conforming amendments to the FDIA which will allow the Administrator of the Agency access to examination reports of the insured depository institutions with its jurisdiction. The section also makes the necessary confirming amendments to permit the Agency to share information with other banking agencies without a risk of loss of any privileges and other disclosure protections.

Section 103. Abolition of Resolution Trust Corporation[1]

Section 103(a). In General

This section abolishes the Thrift Depositor Protection Oversight Board ("Oversight Board") and the Resolution Trust Corporation ("RTC") upon enactment of this bill.

Section 103(b). Transfer of Functions

This section transfers all functions performed by the RTC to the Agency. The Agency succeeds to the RTC as conservator or receiver, as appropriate. This section does not transfer the functions of the Oversight Board, except where specifically transferred elsewhere. Most of the functions performed by the Oversight Board will be obsolete as the Agency will be under the general oversight of the Department of the Treasury.

Section 103(c). Transfer of Assets and Liabilities

This section transfers all assets and liabilities of the Oversight Board and the RTC, including any real or personal property, to the Agency.

Section 103(d). Availability of RTC Funds

This section transfers any funds available to the RTC but not obligated on the day before enactment to the SAIF.

Section 103(e). Savings Provisions

This section preserves all rights, duties and obligations to the United States, the Oversight Board and the RTC that existed the day before enactment of this bill, and protects any transactions already in progress on the day of enactment. It also substitutes the Agency or the Administrator for the RTC or the Oversight Board, as appropriate, in all pending litigation.

Section 103(f). Continuation of Orders, Resolutions, Determinations, and Regulations

This section preserves all orders, resolutions, determinations and regulations of the Oversight Board, the RTC or a court of competent jurisdiction until modified or otherwise terminated by the Administrator, by a court of competent jurisdiction, or by operation of law.

Section 104. Employee Transfers

Section 104(a). All RTC-assigned Employees to be Transferred

This section transfers all FDIC employees assigned to the RTC to the Agency 60 days after establishment of the Agency. This transfer applies to all such employees, regardless of their status as temporary, permanent or term employees.

Section 104(b). FDIC-assigned Employees to be Transferred

This section transfers all FDIC employees who are performing liquidation, resolution or other similar functions to the Agency 60 days after its establishment. This transfer applies to all such employees, regardless of their status as temporary, permanent or term employees. The FDIC and the Administrator must jointly identify the employees who are performing such functions.

Section 104(c). TDPOB Employees to be Transferred

This section transfers all employees of the Oversight Board to the Agency 60 days after its establishment.

Section 104(d). Rights of Transferred Employees

This section details the rights that various groups of employees will retain upon their transfer to the Agency.

Section 104(e). Personnel Authority of the Administrator

This section explicitly authorizes the Administrator, to use the services of any FDIC employees assigned to the FDIC or the RTC on a temporary basis during a transition period.

Section 104(f). Transfer Upon Failure of Reauthorize

This section provides that at the point when the Agency is no longer appointed conservator or receiver of failed insured institutions, all its employees, other than employees detailed from other agencies, are to be transferred to the closest FDIC office with the job protections provided to transferred employees under FIRREA, including a one-year job guarantee.

Section 105. Transfer of FSLIC Resolution Fund to Agency

Section 105(a). In General

This section transfers management of the FSLIC Resolution Fund, the insurance fund for deposits of thrifts that failed between January 1, 1989 and August 10, 1989, to the Agency. The assets and liabilities of the fund must remain in a separate fund.

Section 105(b). Technical and Conforming Amendments

This section strikes an obsolete provision relating to the funding of the FSLIC Resolution Fund and makes a conforming change.

TITLE II—FUNDING ISSUES

Section 201. Maximum Obligation Limitation of Agency

Under the bill, the Agency succeeds to the borrowing authority of the RTC. This section limits that authority by reducing the note cap by $18.8 billion, which is the amount by which $50 billion exceeds the contribution from the Resolution Funding Corporation.

Section 202. Borrowing by Administrator Limited to Federal Financing Bank

This section limits the sources from which the Agency may borrow any additional funds to the Department of the Treasury and the Federal Financing Bank.

TITLE III—REPORTS

Section 301. Review of Contractor Performance

This section requires the Administrator to conduct a detailed review of major contracting activities with the private sector, and report to the House and Senate Banking Committees on the benefits and burdens of contracting out tasks to the private sector compared to in-house performance of this work.

Section 302. Quarterly Reports

This section supplements the quarterly reporting requirements that become applicable to the Agency in this bill by mandating detailed, real-time reports on resolutions and asset sales. Reporting is also required for private sector contractor activities, waivers of conflict of interest regulations, and the status of suits and claims.

Section 303. Feasibility Study of Uniform Recordkeeping System

This section requires that the Office of Thrift Supervision conduct a study of the feasibility of devising an automated record keeping system that can be used uniformly in financial institutions across the country in order to improve regulatory monitoring of these institutions. A report must be submitted to the House and Senate Banking Committees by June 1, 1993.

[1] This provision does not repeal those sections of FIRREA that provide for the conduct of the affordable housing program or for the compilation and consideration of the environmental and historical significance of properties that come under the control of the Agency. These requirements will continue to be applicable to resolutions of failed savings and loan associations, and in additional will now be applicable to resolutions of failed banks.

TITLE IV—REGULATORY MEASURES

This title adds two requirements in the resolution and disposition of failed financial institutions. Section 401 removes discretion from the bank and savings and loan regulatory agencies to allow an institution having less than 2% capital to remain in operation. A single nine month grace period is permitted and an additional three month period thereafter if the institution succeeds in raising its capital during the nine month period. Acquisitions are still allowed, subject to a finding that the acquisition will solve the capital inadequacy problems of the institution.

Section 402 requires the relevant banking regulatory agencies to disclose to the public information about examinations of institutions that receive financial assistance in mergers or closures. Release of the information may be delayed in limited circum stances such as the conduct of an ongoing investigation of negligence or of criminal activities, or if the supervisory agency makes a finding that disclosure would threaten the safety and soundness of the institution.

Section 403 requires that settlements of claims be made public.

Section 404 describes the coverage of the disclosure obligation.

Section 405 authorizes the supervisory agency to delete customer information from its examination reports prior to public disclosure.

Section 406 contains definitions of key terms such as "failed", "received funds", "insured depository institution" and "appropriate banking agency."

Section 407 requires the disclosure of information about the loan balances of any institution insiders, along with a continuing obligation to report on the status of pending litigation on matters that caused material losses to the institution or the insurance funds.

Section 408 authorizes and directs the General Accounting Office to audit examination reports of financial institution regulators.

TITLE V—COURT-ORDERED RESTITUTION IN CASES IN FINANCIAL INSTITUTION FRAUD AND PRIVATE ACTIONS

This title requires improvements in the system for collecting judgments ordering restitution in certain suits and proceedings and provides for a private collection actions. Section 501 enables the Attorney General to attach property prior to convictions, authorizes the appointment of a receiver to manage the affairs of the defendant until restitution has been paid; and prohibits judges from taking the defendant's ability to pay into consideration in setting the amount of restitution.

Section 502 authorizes citizen suits to collect restitution that is outstanding for six months or longer. It provides for a sharing of proceeds between the victimized financial institution and the citizen in proportion to the amounts recovered. The citizen must notify the appropriate financial institution regulator of the action and may not settle the suit without agreement by the Agency. Costs and attorneys' fees may also be recovered. Certain insiders are prohibited from benefiting from such suits.

UNIVERSITY OF MAINE HOCKEY MISSION ACCOMPLISHED

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. SNOWE. Mr. Speaker, those of us from Maine have many things to be proud of. We take pride in our beautiful coast lines, our wonderful skiing spots, our abundant natural resources, and our delicious lobsters, potatoes, and blueberries. However, this time of year in Maine, the focus of our Maine pride is aimed toward the University of Maine's Black Bear Hockey Team and the most exciting national championship: the NCAA hockey final four.

UMaine hockey, under the direction of Coach Shawn Walsh, has just completed another outstanding regular season. Posting a 42–1–2 record, Maine hockey continued the UMaine tradition of staying atop the college hockey polls throughout the season.

Last week, thousands of fans across Maine gathered to watch their hockey team meet Michigan in the NCAA national championship semifinals. With our 4 to 3 overtime win over Michigan, UMaine went on to take on Lake Superior State in the national championship game on Saturday, April 3. In a great come-from-behind fashion, UMaine defeated defending champion Lake Superior State 5 to 4.

With 40 wins under their belt, Mainers knew that this team was destined to be crowned the 1993 national champions in college hockey. UMaine hockey players are always saying how important the fans in Maine are to their success. In this spirit, hundreds of Maine hockey fans made the journey out to Milwaukee to cheer their Black Bears out to victory.

Ninth-year head coach Shawn Walsh has always stressed the importance of the players spending their time off the ice studying and performing community service. The Black Bears that comprise the championship team are no exception. Led by Captain Jim Montgomery, and Maine natives Eric Fenton and Jason Weinrich, the team spirit and camaraderie that exists among the Bears is clearly evident.

With gifted players such as the Hobby Baker Award winner Paul Kariya, right-winger Cal Ingraham, the dynamic duo of Peter and Chris Ferraro and the superb goal tending of all-American Mike Dunham and senior Garth Snow—Maine was definitely the team to beat.

Thousands of Mainers watched the championship game on Saturday night in anticipation of the victory. With the Bears down by two goals heading into the third period the pressure sure was on the Bears. Scoring three goals during that period, the UMaine hockey team showed the country what we in Maine have known all along; UMaine hockey was destined to be named the best.

I was able to join with my fellow Mainers at the Bangor International Airport upon the championship team's arrival on Sunday. The homecoming reception that this group of determined young men received was truly amazing. Throughout all of Maine, congratulations and celebrations abound for this superb team.

Today, I offer my congratulations to the Maine hockey team for another fine regular season, for their memorable come from behind victories in Milwaukee—and for bringing home the long-awaited championship to Maine.

ROCHESTER'S HEALTH CARE SYSTEM HIGHLIGHTS ADVANTAGES OF SINGLE PAYER; HOSPITAL GLOBAL BUDGETS; AND CONTROLS ON CAPITAL AND TECHNOLOGY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. CONYERS. Mr. Speaker, I recently released a General Accounting Office report entitled "Health Care: Rochester's Community Approach Yields Better Access, Lower Costs." The study highlights the advantages of having a health care system that uses global budgets, implements capital controls to reduce costs, and is dominated by a single insurer—all of which are features of H.R. 1200, the American Health Security Act of which I am a lead cosponsor. Another interesting result of this study is the finding that cooperation between providers, not competition, is the best way to rein in spiraling health costs. Managed competition advocates should study this, as their proposal is built on competition between providers. Some important findings taken from the report follow:

SELECTED QUOTES FROM GAO REPORT ENTITLED "HEALTH CARE ROCHESTER'S COMMUNITY APPROACH YIELDS BETTER ACCESS, LOWER COSTS"

UNINSURANCE RATES

"Insurers in Rochester, unlike those in other parts of the nation, use a community-rating system to establish premiums for 85 percent of their policyholders * * * Rochester's continued use of pure community rating has resulted in improved access to health insurance." (p. 18–19)

"U.S. census information shows that between 1989 and 1991, the average rate of uninsured in Rochester was 7.1 percent, compared to a national average rate of 13.7 percent." (p. 11)

* * * 5 percent of Rochester area residents, compared with 13 percent nationally, reported they had gone without needed health care in the previous 12 months. In addition, 18 percent of Rochester area residents, compared with 30 percent nationally, reported having put off or postposed seeking care in the past year because they could not pay." (p. 12)

HEALTH CARE COSTS

"In 1991 the average health insurance cost per employee in Rochester was $2,738, 33 percent less than the average cost in the nation ($3,573) and 45 percent less than in New York State ($4,361)." (p. 9)

"In 1991, Eastman Kodak paid average annual health care costs of $1,915 for its Rochester employees, significantly less than the average cost of $2,826 it paid for its non-Rochester employees." (p. 9)

"Lower hospital costs are a major contributor to Rochester's success in containing health costs. In 1990, total hospital costs per capita in the Rochester metropolitan statistical area were 5.0 percent less than the national average and 27.8 percent less than the average in New York State." (p. 10–11)

"In most other American communities, firms with fewer than 25 workers pay 10 to 40 percent more than large firms for health insurance premiums. Because of the preservation of community-rated insurance in Rochester, small firms there can purchase comparable coverage at the same price that larger firms like Eastman Kodak pay." (p. 10)

SINGLE/DOMINANT PAYER

"In a survey of businesses, insurers and providers, the GAO found that the very important factors contributing to cost control in Rochester were health planning, a single dominant insurer, and employer involvement." (p. 22)

"Blue Cross/Blue Shield dominates the health insurance market in Rochester, providing more than 70 percent of the area's resident's with health insurance * * * Preferred Care, a local HMO * * * provid[es] health insurance to about 15 percent of Rochester's population." (p. 8)

"The presence of a dominant insurer has also facilitated efforts to expand access and contain costs." (p. 25)

GLOBAL BUDGETS, CAPITAL CONTROLS, COOPERATION NOT COMPETITION

"Rochester's system is distinguished by the interaction of several factors, beginning with a long history of community-based health planning. Rochester's planning initiatives have included limiting the expansion of hospital capacity, implementing an experiment of global budgeting that capped total hospital revenues for several years, and controlling the diffusion of medical technology." (p. 2)

"In 1980, Rochester hospitals, * * * began a hospital reimbursement experiment called the Hospital Experimental Payments [HEP] Program * * * hospitals received an annual global budget under which each hospital's revenues were limited to costs in a base year (1978) plus annual inflation * * *. Throughout the HEP experiment, planning decisions for major capital investments were made by the hospitals as a group * * *. During this period of global budgeting under HEP * * * [b]etween 1980 and 1987, real costs per capita for HEP hospitals grew at an annual rate of 2.1 percent, compared with real annual growth of 4.0 percent in New York State and nationally. Between 1987—when global budgeting under HEP ended—and 1990, Rochester hospitals experienced real annual growth in costs per capita of 7.3 percent, compared with 6.1 percent in New York State and 4.9 percent in the nation." (pp.16–17)

"Capital investment decisions under HEP were made by hospitals as a group. As a result, hospitals in Rochester avoided duplication of services by developing expertise in specific services. Only two hospitals, for example, perform open-heart surgery. Pediatrics is also concentrated in two hospitals." (p. 17)

"The global budgeting experiment provided participating hospitals with predictable incomes. Furthermore, Rochester hospitals had positive operating margins for five of eight HEP years, while hospitals in New York State did so for two of the eight years." (p. 17)

"[In 1992] Blue Cross/Blue Shield of Rochester proposes to expand [the] health planning process by managing reimbursement of non-institutionally-based capital and high technology, based on determination of community need." (p. 15)

Copies of the GAO Report (GAO/HRD–93–44) are available from the General Accounting Office, 202–275–2461, or from the Government Operations Committee, 202–225–5051.

LEGISLATION HONORS IRWIN RUTMAN

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. MOLINARI. Mr. Speaker, on a late October evening in 1990, a 55-year-old retired police officer, with 23 years of service, witnessed a crime in progress. Driven by instinct and a sense of duty, retired officer Irwin Rutman rushed to the aid of a fellow citizen. After a difficult physical struggle, Irwin Rutman was shot to death by a ruthless criminal on a dark Manhattan subway platform.

Irwin Rutman left behind a wife and four sons. If this tragedy had occurred a few years earlier, while Rutman was still on active duty, his family would have been eligible for death benefits up to more than $100,000 under the Public Safety Officers' Death Benefits Act. However, despite having served honorably and being vested in the New York City Police pension program, his family was left heartbroken and in difficult financial straits.

The obvious inequity in the law, was highlighted by this unfortunate situation and is the basis for the Irwin Rutman Retired Public Safety Officers Benefits Act.

This bill seeks to amend the current law to make the same benefits available to retired public safety officers that would have been available to them and their families if they had died or become disabled during active duty.

When these men and women retire from active duty, they do not simply lose their instinct or forget their training in responding to public emergency situations and we should not forget them. This bill will significantly help fill the gap in the law to the benefit of these officers nationwide.

Irwin Rutman's heroic gesture demonstrates that public safety officers retired or active are our public protectors. I urge your support in this effort.

IN MEMORY OF DR. MARTIN LUTHER KING, JR.

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MFUME. Mr. Speaker, April 4, 1993, marked the 25th anniversary of the assassination of a great American revolutionary and civil rights hero: Dr. Martin Luther King, Jr.

Dr. King is most remembered as an advocate of peaceful protest to achieve integration and equality. A spiritual leader who inspired masses both in the United States and abroad, black, white, brown, yellow, and red, to dream a wonderful dream. A dream of equality, acceptance, and love among all Americans. A man who spoke eloquently against violence and led peaceful demonstrations. A renowned speaker, who revealed to us his unforgettable dream in the words of, "I have a dream * * *" in front of the Lincoln Memorial.

Yet, sometimes, we forget his true legacy—his teachings of empowerment from within that exudes out to all those that are willing to absorb his message, and grates upon those who fear true power. He championed a revolution that we must now continue. We must do more than keep a memory of a great man, we must live his dream, and use his strength, to follow his steps and then push further. We must push further ahead past the pain, the hate, and most of all, the complacency that settles when we forget there is more to be done.

This year, 1993, marks not only the 25th commemoration of Dr. King's death, but a turning point in America. With the beginning of the new administration, Americans have shown that they are willing to reassess their values. We in Congress must now work together for the underprivileged and downtrodden. We are all connected, and America will prosper when the least of us prospers. We must all reach out to the dawn of a new era of cooperation. As Americans of all races and creeds, we must no longer only dream, but wake up, work, and ensure that these new opportunities for change are seized. Let us not wallow in a sea of complacency and mediocrity, but takes the challenge inspired by Dr. King.

So, let us bow our heads in memory of America's civil rights hero. But only for a moment, for we must then lift our heads, put our hands to the plow, push, and look ahead, heads high, backs straight, souls lifted by a mighty force, and continue the fight to make his dream a reality.

SUBWAY'S SHARE OUR STRENGTH FOOD DRIVE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. DELAURO. Mr. Speaker, after the winter much of our country has seen, few sights are probably as welcome to us as spring. Particularly now, with the advent of Passover and Easter season, as we eagerly look forward to spending time with our families. Most of us feel hope, renewal, as signs of new life leap forward. But, to millions of hungry Americans, springtime is nothing more than another empty season.

Behind the suffering faces are some frightening statistics: Since 1985, the number of Americans who go hungry each day has increased 50 percent—to 30 million people—enough to fill the entire State of California. The United States has more poor children than there are people in Honduras, Panama, and Nicaragua combined. And, more than 20 million people depend on soup kitchens or food banks for their daily meals.

The problem is, as we know from these grueling few weeks, much bigger than we are in government. Shrinking public funds can't fill those food banks, even at a time when continued high unemployment suggests that to many Americans, the recession isn't over yet.

That's why we need to applaud private enterprise that steps forward to address problems that affect all of our constituencies. In the midst of Easter and Passover season, a time that should be so bountiful for everyone, I'd like you to join me in applauding Subway sandwich stores' canned food drive. On April 18, the week after Easter, nearly 7,000 Subway stores across the United States and Canada will be participating in the largest canned food drive ever. Their aim is to collect 3 million cans of food within an hour and a half. All cans will be donated to local food banks to help that community's hunger needs.

But, good words don't do much without good deeds. So, I'd like to urge you to show your support for these much-needed public-private partnerships. To that end, I am issuing a challenge, not just to everyone in this room, but also to every American, from Main Street to Pennsylvania Avenue. Bring a can of food to a Subway store in your town on April 18. Your donated can will help ease hunger in your community and in our country. This is something we—industry and government and citizens together—can do to help stop hunger. I applaud Subway for undertaking this effort and encourage everyone to do their part to support this wonderful project.

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MY VOICE IN AMERICA'S FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, today I am placing in the RECORD an award-winning speech by Samuel Tai Anderson of Roswell, GA. Mr. Anderson has a keen understanding of what every American should do to help renew American civilization: Take the responsibility to learn about the issues, to participate in our government, and to offer sophisticated solutions to the problems which we as a nation face.

Mr. Speaker, I hope that my colleagues will take note of Mr. Anderson's enthusiasm for helping America and will join me in congratulating him on this excellent speech.

The speech follows:

MY VOICE IN AMERICA'S FUTURE

(By Samuel Tai Anderson, Georgia winner)

When our founding fathers established this nation they had vision. They knew what they wanted: a constitutional government of the people, for the people, and by the people. This constitution created a context of prosperity, whereby each generation of Americans has been able to achieve a higher standard of living than the previous generation. Today, America is facing a crisis in confidence. Many people, young and old, have become apathetic, feeling their voice is insignificant. Thus, our prosperity has created a lack of appreciation for the freedoms we have historically enjoyed. Americans have abrogated our responsibilities to others, instead of assuming them for ourselves.

With this abrogation of responsibility has come the loss of freedom and a decline in our national confidence. American government has become such a "Goliath" that it has become all too common for the American "Davids" to feel powerless to affect any substantial change. In light of this ominous problem and the many others that face our nation such as: an overwhelming national deficit, inadequate health care, and an inefficient welfare system, how can Americans reclaim their active role in American Democracy.

The first way Americans can begin to take part in our government is by educating themselves. A voice of ignorance has never had any substantial impact on any society. If Americans truly want to bring about healthy reform, they must educate themselves to the many problems that face our nation. Every citizen, has a responsibility to have an active understanding of government. We must know who is representing our interests, locally, nationally, and internationally. We must know how that person feels about issues that are important to us, and we must keep track of their performance, holding them accountable to the American people, not the special interest groups. Americans must also know how our interests are represented by an understanding of how our government works. Too many Americans have never taken the time to truly acquire an understanding of our government. Consequently, democracy is limited to an occasional vote, rather than daily participation in our political process.

The second step in reclaiming our government is to speak up and make our views known to our representatives and elected officials. Too many Americans never share their views. It has been estimated that only one in a hundred constituents actually takes the time to contact his or her representative. Thus, every politician views every letter as a representation of a hundred votes. Every educated American has something positive they can contribute to our nation. In our pluralistic society, it is important that all points of view are considered. Americans can no longer rely on our government to find the solutions to our problems. Rather, we must realize that we are the government. We are responsible for the solutions to the problems that face America. As Americans, this is probably our greatest responsibility, for it is our greatest freedom.

I believe that an understanding of our nation's history is the key to our present and future problems. The United States has had an exciting history with many challenges and conflicts, both internal and external, that had to be faced. Sometimes we were the Champions of Compromise. Sometimes, we had to fight and die to defend our nation, our democracy, and our hope.

Today, many young people have lost hope in the American system. By turning to drugs and violence, they have not grasped their role in society, and in turn have lost their vision and dreams. As the voice of youth, the voice of hope, and the voice of democracy, I will continue to share my ideas and inspirations with those that have provided me with a legacy of excellence, and with my peers as well. It might appear that my generation's hopes and dreams have died, but as all things American, they only need a good jump start to get back on track.

NEGOTIATED RATE AMENDMENTS OF 1993

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. SHUSTER. Mr. Speaker, today I am introducing the Negotiated Rate Amendments of 1993 in an effort to move Congress toward resolution of the negotiated rates dilemma. This is the fourth Congress to study, discuss, and debate this problem. We now need to take action.

Shippers nationwide and in the Commonwealth of Pennsylvania cannot understand the legal nightmare they've been drawn into. They're getting new bills from trustees of bankrupt motor carriers for transportation that they paid for long ago. Because certain tariff filing requirements were not met by the trucker, shippers are being told they have to pay more than the rate that was agreed upon.

Shippers, brokers, and warehousemen across Pennsylvania—indeed, all across the country—are subject to these unfair claims. The Interstate Commerce Commission estimates that total claims could exceed $32 billion. Trustees of motor carriers in bankruptcy have applied limitless imagination to new theories for asserting claims. Knowing the cost of hiring attorneys to fight the claims, many shippers simply pay them, never testing the assertions on which they are based. Some pay them, only to be assessed more weeks later.

This legislation would allow the Interstate Commerce Commission to look at negotiated rates claims and under appropriate circumstances find that they are an unreasonable practice.

This is the fairest solution to a completely inequitable situation. I know that the Public Works and Transportation Committee is exploring many avenues of compromise, and I look forward to working with my colleagues on the committee toward resolving this matter.

CIVIC EDUCATION ACT OF 1993

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing, on behalf of myself, Mr. OWENS, and Mr. SMITH of Iowa, the Civic Education Act of 1993. This bill proposes a 5-year reauthorization of the successful We the People—the Citizen and the Constitution Program. With a modest amount of funding, that is, $4.3 million in fiscal year 1993, the program—

First, provides upper elementary, middle, and high school students with an innovative course of instruction on the Constitution and Bill of Rights, including the opportunity to participate in competitive, stimulated congressional hearings;

Second, leverages an additional $30 million from State, local, and private sources; and

Third, has been implemented nationwide in 21,490 schools involving 176,000 teachers and more than 12 million students.

In separate evaluations of the program in 1991, the Educational Testing Service found that students at upper elementary, middle, and high school levels significantly outperformed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of freshmen, sophomores, juniors, and seniors at a major university. The We the People high school students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at the Clark County School District in Nevada revealed that 80 percent of the seniors in the program registered to vote, compared to a school average among seniors of 37 percent.

It is clear that this program effectively addresses the need to provide young people with the kinds of instruction and learning opportunities that enable them to meet high standards of achievement in civics and that encourages their active participation in government. The Civic Education Act of 1993 would ensure that We the People continues to be offered to students across the Nation.

We will soon circulate a Dear Colleague letter inviting Members to cosponsor this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 8, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 20

10:00 a.m.
Foreign Relations
To hold hearings on foreign policy, focusing on budget requests for fiscal year 1994.
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Thomas R. Pickering, of New Jersey, with the personal rank of Career Ambassador, to be Ambassador to the Russian Federation.
SD-419

2:30 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

APRIL 21

9:30 a.m.
Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

Commerce, Science, and Transportation
To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR-253

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Report of the Kaho'olawe Island Conveyance Commission.
SD-366

APRIL 22

9:30 a.m.
Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Judiciary.
S-146, Capitol

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Environmental Protection Agency.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

10:00 a.m.
Judiciary
To hold hearings on issues relating to health care fraud.
SD-226

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish the Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

APRIL 28

10:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the roles and missions of the Department of State in the 1990's.
SD-419

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine the roles and missions of the Department of State in the 1990's.
SD-419

APRIL 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.
SR-332

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on waste minimization and industrial energy efficiency.
SD-366

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 5

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 12

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 13

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 14

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 19

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

MAY 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216